

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

SERGE BELOZEROV, individually and on behalf of all
others similarly situated,

Plaintiff,

v.

GANNETT COMPANY, INC.,

Defendant.

Case No. 4:22-10838-MRG

Hon. Margaret R. Guzman

JOINT INITIAL STATUS REPORT

A. ATTORNEYS OF RECORD FOR EACH PARTY

Counsel for Plaintiff and the Putative Class	Counsel for Defendant
<p>Jonathan M. Jagher FREED KANNER LONDON & MILLEN LLC 923 Fayette Street Conshohocken, PA 19428 Telephone: (610) 234-6487 jjagher@fklmlaw.com</p> <p>Katrina Carroll LYNCH CARPENTER, LLP 111 W. Washington Street, Suite 1240 Chicago, IL 60602 Telephone: (312) 750-1265 katrina@lcllp.com</p> <p>Gary M. Klinger MILBERG COLEMAN BRYSON PHILLIPS GROSSMAN, PLLC 227 W. Monroe Street, Suite 2100 Chicago, Illinois 60606 Telephone: (866) 252-0878 gklinger@milberg.com</p>	<p>David L. Yohai WEIL, GOTSHAL AND MANGES LLP 767 Fifth Avenue New York, NY 10153 Telephone: (212) 310-8275 david.yohai@weil.com</p>

B. PROCEEDINGS TO DATE

On June 1, 2022, Plaintiff filed his Complaint. On August 18, 2022, Defendant filed its Motion to Dismiss for Failure to State a Claim. On December 20, 2022, the Court denied the Motion to Dismiss. On January 24, 2023, Defendant filed its Answer to the Complaint. There are no pending motions.

C. DISCOVERY AND CASE PLAN

a. Summary of discovery, formal and informal, that has already occurred

To date, no discovery has taken place whether formal or informal.

b. Discovery subjects

i. Plaintiff's statement

Plaintiff will focus his discovery efforts on substantiating the allegations in his Complaint, class certification, and any affirmative defenses raised by Defendant.

ii. Defendant's statement

Defendant will focus its discovery efforts on preparing to oppose Plaintiff's motion for class certification. Defendant intends to seek discovery on the following subjects without limitation:

- Plaintiff's privacy settings on the devices and web browsers through which he accessed Defendant's services;
- Information regarding Plaintiff's Facebook account, including his Facebook ID, privacy settings, and any content posted by Plaintiff to his account;
- Plaintiff's use of Defendant's services, including when and how he watched video content;
- Plaintiff's knowledge of the Meta Pixel, including any discussions he has had with others about the Meta Pixel and this lawsuit;
- The value of Plaintiff's personal information, and any actual damages that Plaintiff contends he has suffered as a result of Defendant's alleged conduct; and
- Plaintiff's usage of other websites and streaming services.

c. Discovery limits

The Parties do not propose any limitations or modifications of the discovery rules. However, Plaintiff reserves his right to seek additional depositions depending on the number of witnesses and/or document custodians that possess relevant information.

d. Electronic discovery

The parties anticipate submitting for the Court's approval a proposed protocol for the production of ESI.

e. Privilege and protection

The parties anticipate submitting for the Court's approval a proposed protective order to protect confidential and sensitive information.

f. Proposed schedule

The Parties propose the following schedule:

EVENT	PROPOSED DATE
Service of Initial Disclosures	May 12, 2023
Fact Discovery Deadline	February 1, 2024
Plaintiff's Motion for Class Certification and Class Expert Reports	May 31, 2024
Defendant's Response to Plaintiffs' Motion for Class Certification and Rebuttal Class Expert Reports	August 15, 2024
Plaintiff's Reply in Support of Motion for Class Certification and Reply Reports from Class Experts	September 30, 2024
Status Conference to discuss remaining discovery, if any, briefing schedule on dispositive motions, and pretrial deadlines	TBD after ruling on Plaintiff's Motion for Class Certification

D. MAGISTRATE JUDGE

The Parties do not consent to proceed before a magistrate.

E. CERTIFICATION OF COUNSEL AND AUTHORIZED REPRESENTATIVES

The parties and their authorized representatives certify that they have conferred:

- (a) with a view to establishing a budget for the costs of conducting the full course--and various alternative courses--of the litigation; and
- (b) to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.

Counsel and Authorized Representative for Plaintiff:

/s/ Jonathan M. Jagher

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Counsel and Authorized Representative for Defendant:

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Jointly Submitted,

<p><u>/s/ Jonathan M. Jagher</u></p> <p>Jonathan M. Jagher FREED KANNER LONDON & MILLEN LLC 923 Fayette Street Conshohocken, PA 19428 Telephone: (610) 234-6487 jjagher@fklmlaw.com</p> <p>Katrina Carroll LYNCH CARPENTER, LLP 111 W. Washington Street, Suite 1240 Chicago, IL 60602 Telephone: (312) 750-1265 katrina@lcllp.com</p> <p>Gary M. Klinger MILBERG COLEMAN BRYSON PHILLIPS GROSSMAN, PLLC 227 W. Monroe Street, Suite 2100 Chicago, Illinois 60606 Telephone: (866) 252-0878 gklinger@milberg.com</p> <p><i>Counsel for Plaintiff and the Putative Classes</i></p>	<p><u>/s/ David L. Yohai</u></p> <p>David L. Yohai WEIL, GOTSHAL AND MANGES LLP 767 Fifth Avenue New York, NY 10153 Telephone: (212) 310-8275 david.yohai@weil.com</p> <p><i>Counsel for Defendant</i></p>
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CERTIFICATE OF SERVICE

I, Jonathan Jagher, hereby certify that on April 13, 2023, I caused to be electronically filed the above document with the Clerk of the United States District Court for the District of Massachusetts using the CM/ECF system, which shall send electronic notification to all counsel of record.

/s/ Jonathan M. Jagher
Jonathan M. Jagher